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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,868	11/16/2001	Keiichi Hayashi	F-11810	7780
466	7590	09/03/2004	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			PHAM, TUAN	
			ART UNIT	PAPER NUMBER

2643

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/987,868	<b>Applicant(s)</b> HAYASHI, KEIICHI	
	<b>Examiner</b> TUAN A PHAM	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/16/02, 8/23/02, 5/2/03, 11/26/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armanto et al. (U.S. Patent No.: 6,094,587, hereinafter, "Armanto") in view of Yamashita (U.S. Patent No.: 5,848,362).

**Regarding claims 1 and 9**, Armanto teaches a system and method for sounding a music accompanied by light comprising (see figure 2):

a speaker for sounding a music (i.e., ring tone) comprising plural parts (see figure 6, speaker 20, col.14, ln.1-13);

a light emitter for emitting light (see col.9, ln.5-13); and

means for having said speaker sound said music (see figure 6, speaker 20, col.14, ln.1-13), on the basis of music data of said music comprising said plural parts, said music data being included in play data containing both said music data of said music comprising said plural parts to be played by said speaker and designation data for designating a specific part among said plural parts, said specific part being to be

accompanied by said light emitted from said light emitter (see col.9, ln.5-13, col.12, ln.19-49).

It should be noticed that Armanto fails to clearly teach turn-on/off means (i.e., switch) for turning said light emitter on or off in synchronization with a sound of said specific part, on the basis of said designation data for designating said specific part. However, Yamashita teaches such features (see figure 3, switch 213, col.4, ln.47-58) for a purpose of selecting a particular mode.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of turn-on/off means (i.e., switch) for turning said light emitter on or off in synchronization with a sound of said specific part, on the basis of said designation data for designating said specific part, as taught by Yamashita, into view of Armanto in order to detect a different mode.

**Regarding claims 2 and 10**, Armanto further teaches the system and method for sounding music wherein said play data are received through a network (see figure 2, col.11-26).

**Regarding claims 3 and 11**, Armanto further teaches the system and method for sounding music wherein said network is the Internet (see figure 2, col.11-26).

**Regarding claims 4 and 12**, Armanto further teaches the system and method for sounding a music wherein each part comprises plural constituent components, wherein said designation data designate a specific constituent component among said plural constituent components of said specific part, said specific constituent component being to be accompanied by said light emitted from said light emitter, and wherein said

turn-on/off means turns said light emitter on or off in synchronization with a sound of said specific constituent component of said specific part, on the basis of said designation data for designating said specific constituent component of said specific part (see col.9, ln.5-12, col.12, ln.19-49).

**Regarding claims 17 and 19**, Armanto further teaches a handy-phone terminal or call reception comprising said system for sounding music accompanied by light as claimed in claims 1 (see figure 2, MS).

**Regarding claims 5 and 13**, Armanto teaches a system and method for sounding a music accompanied by light comprising (see figure 2):

a speaker for sounding a music (i.e., ring tone) comprising plural parts (see figure 6, speaker 20, col.14, ln.1-13);

a vibrator for causing vibration (see col.15, ln.5-17); and

means for having said speaker sound said music (see figure 6, speaker 20, col.14, ln.1-13), on the basis of music data of said music comprising said plural parts, said music data being included in play data containing both said music data of said music comprising said plural parts to be played by said speaker and designation data for designating a specific part among said plural parts, said specific part being to be accompanied by said vibration for causing vibrator (see col.12, ln.19-49, col.15, ln.5-17).

It should be noticed that Armanto fails to clearly teach turn-on/off means (i.e., switch) for turning said vibrator on or off in synchronization with a sound of said specific part, on the basis of said designation data for designating said specific part. However,

Yamashita teaches such features (see figure 3, switch 213, col.4, ln.47-58) for a purpose of selecting a particular mode.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of turn-on/off means (i.e., switch) for turning said vibrator on or off in synchronization with a sound of said specific part, on the basis of said designation data for designating said specific part, as taught by Yamashita, into view of Armanto in order to detect a different mode.

**Regarding claims 6 and 14**, Armanto further teaches the system and method for sounding music wherein said play data are received through a network (see figure 2, col.11-26).

**Regarding claims 7 and 15**, Armanto further teaches the system and method for sounding music wherein said network is the Internet (see figure 2, col.11-26).

**Regarding claims 8 and 16**, Armanto further teaches the system and method for sounding a music wherein each part comprises plural constituent components, wherein each part comprises plural constituent components, wherein said designation data designate a specific constituent component among said plural constituent components of said specific part, said specific constituent component being to be accompanied by said vibration caused by said vibrator, and wherein said turn-on/off means turns said vibrator on or off in synchronization with a sound of said specific constituent component of said specific part, on the basis of said designation data for designating said specific constituent component of said specific part (see col.12, ln.19-49, col.15, ln.1-17).

**Regarding claims 18 and 20**, Armanto further teaches a handy-phone terminal and call reception comprising said system for sounding a music accompanied by light as claimed in claims 5 (see figure 2, MS).

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Ikenouchi et al. (U.S. Patent No. 5,835,863), Lee et al. (U.S. Patent No. 6,216,017), Takahashi et al. (U.S. Patent No. 6,097,935), and Scheel (Pub. No.: 2002/0068597) are not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s). These references are also concerned for supporting the system and method of automatically answering an incoming call and providing a status message to caller.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (703) 305-4987. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (703) 305-4708 and

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2643  
September 3, 2004  
Examiner

Tuan Pham

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600